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PATENT**Remarks**

Favorable reconsideration of this application is respectfully requested in view of the above amendments and following remarks. Claims 1 and 3 are amended and supported, for example in original claims 4 and 5 and at pages 4-5 of Applicant's disclosure. Claims 4, 5 and 8 are canceled. Claims 6, 9, and 10 are editorially amended. No new matter has been added. Claims 1-3, 6, 7, 9, and 10 are pending.

Claims 1-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant respectfully traverse the rejection to the extent it is maintained.

Regarding claim 1, Applicants respectfully submit claim 1 positively recites that the flame retardant artificial polyester hair requires a polyester (A) and a bromine-containing flame retardant (B), and that it is formed by melt-spinning a composition by melt-kneading a relative proportion of (B) based on the weight of (A). Further, the language "5% loss on heat temperature" has been removed to expedite prosecution. Applicant respectfully submits that claim 1 is definite for at least the above reasons.

Regarding claims 6, 9, and 10, these claims have been editorially revised to correct their dependencies. Claims 6, 9, and 10 depend upon claim 1 and are definite.

Claim 8 is canceled to expedite prosecution, and Applicant respectfully submits that the rejection as to this claim is moot.

For at least the foregoing reasons, Applicant respectfully submits that the claims are definite. Withdrawal of the rejection is respectfully requested.

Claims 1-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Applicant's Disclosure or Masuda (WO 2003/071014) in view of Hochberg et al. (US 4732921) or Lemper et al. (US 4079034). Applicants respectfully traverse the rejection to the extent it is maintained.

Claim 1 is directed to a flame retardant artificial polyester hair. Claim 1 requires a polyester (A) and a bromine-containing flame retardant (B) having a melting point of 160°C to 320°C. Applicants respectfully submit that claim 1 is not obvious at least because one of skill in the art would not have an expectation of success in making the alleged combination of references.

Applicant acknowledges that his disclosure and Masuda disclose artificial hair fibers using fibers comprising polyester as a main component are known and that there is

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a need to improve flame retardancy of such fibers (pages 1-3 of Applicant's disclosure and paragraphs [0016] and [0017] of Masuda. Applicant further acknowledges that Hochberg et al. and Lemper et al. mention certain bromine containing flame retardants as in claim 1 ("brominated epoxy resin" at col. 5, lines 36 in Hochberg et al. and "dibromoneopentyl glycol" and "tetrabromobisphenol A" at col. 4, lines 4-6 of Lemper et al.)

However, claim 1 can provide a flame retardant artificial polyester hair with excellent flame retardancy, as well as advantageous properties for artificial polyester hair such as transparency and no stickiness. See e.g. page 25, lines 12-20 and results of Table 2 on page 24 of Applicant's disclosure. For instance, Applicant's Examples 1-8 show that by using the bromine-containing flame retardants (B) as claimed such effects can be obtained (see Table 1, e.g. pentabromotoluene, tetrabromobisphenol A, 2,4,6-tris(2,4,6-tribromophenoxy)-1,3,5-triazine, 1,2-bis(2,4,6-tribromophenoxy)ethane, poly-4,4-isopropylidene bis(2,6-dibromophenyl)carbonate, and octabromotrimethylphenylindan).

The references cited, however, fail to suggest or even recognize that the features of claim 1 can result in an artificial polyester hair formed by melt-spinning having such advantageous characteristics. Applicant's admitted disclosure and Masuda are clearly deficient for selecting bromine-containing flame retardants on the basis of a specified melting point range, and these citations clearly do not disclose or suggest the specific flame retardants recited in claim 1. While Hochberg et al. and Lemper et al. disclose some of the bromine-containing flame retardants in claim 1, these references also disclose using other classes of flame retardants such as other halogenated bisphenols not claimed and other flame retardants that do not contain bromine at all. Applicant respectfully submits that, without Applicant's disclosure, one of skill in the art would not have any expectation of success in combining the references cited, much less any expectation of the excellent results that may be enjoyed by the claimed invention. There is no reason to assume that one of skill in the art, by combining the references cited, would arrive at claim 1 or enjoy the advantages that it can provide. For at least the above reasons, claim 1 and its dependents are allowable over any combination of Applicant's admitted disclosure, Masuda, Hochberg et al., and Lemper et al.

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Moreover, Hochberg et al. is only generally directed to flame retardant molding compositions and Lemper et al. is only generally directed to fire retardant additives for plastic compositions. In fact, Hochberg et al. and Lemper et al. are not at all directed to fiber compositions for artificial polyester hair, much less the artificial polyester hair that can be obtained by claim 1. Indeed, these references do not recognize producing artificial polyester hair through a melt-spinning process by using certain flame retardant materials in order to achieve such desired characteristics that may be achieved by Applicant's claim 1. Thus, any combination of the references cited is questionable at best.

For at least these foregoing reasons, claim 1 and its remaining dependents do not follow from the combination of references. Favorable reconsideration and withdrawal of the rejections are respectfully requested.

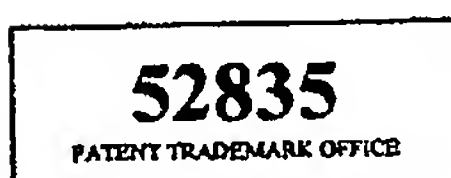
Claims 8 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Applicant's Disclosure or Masuda (both above) in view of any one of Hochberg et al. or Lemper et al. (both above), and further in view of Maeda (US 4916013). Applicants respectfully traverse the rejection to the extent it is maintained.

Claim 8 is canceled rendering the rejection moot as to this claim. Claim 10 depends upon and further limits claim 1. Applicant respectfully submits that claim 10 is patentable for at least the same reasons specified for claim 1 above. The second Maeda reference does not remedy the deficiencies of the references discussed above. Applicants are not conceding the correctness of the rejection for the features of claim 10. Favorable reconsideration and withdrawal of the rejections are respectfully requested.

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With the above amendments and remarks, Applicants respectfully submit that the claims in this application are allowable. Favorable reconsideration and request for a Notice of Allowance are respectfully solicited. If any questions arise regarding this communication, the Examiner is invited to contact Applicants' representative at the number listed below.

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Respectfully submitted,

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